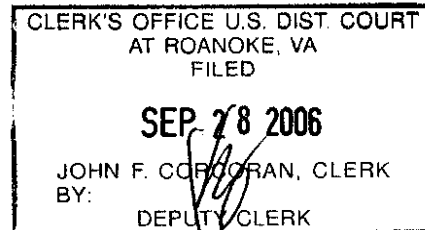


**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**



JERITH T. SCOTT,
Plaintiff,

v.

R. FLEMING, et al.,
Defendants.

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Civil Action No. 7:05CV00310

ORDER

By: Hon. Glen E. Conrad
United States District Judge

In accordance with the accompanying Memorandum Opinion, it is now

ORDERED

as follows:

1. The motion for summary judgment filed by Nurse Phipps shall be and hereby is **GRANTED**;
2. The motion for summary judgment filed by R. Fleming, D. Braxton, J. Armentrout, K. McCoy, L. Fleming, G. Kendrick, D. Fleming, S. Day, R. Phipps, and R. Boyd shall be and hereby is **GRANTED** in part and **DENIED** in part;
3. The motion for summary judgment filed by M. Thacker shall be and hereby is **DENIED**;
4. The motion for summary judgment filed by S. Fleming and J. Mullins shall be and hereby is **DENIED**;
5. All other pending motions shall be and hereby are **DENIED**;
6. Nurse Phipps, R. Fleming, D. Braxton, and J. Armentrout shall be and hereby are **DISMISSED** from the case; and
7. The case is referred to United States Magistrate Judge Pamela Meade Sargent, pursuant to 28 U.S.C. § 636(b)(1)(B). The magistrate judge shall conduct such

proceedings as she deems appropriate, including an evidentiary hearing, if necessary, and shall submit to the court a report setting forth findings of fact, conclusions of law, and a recommended disposition.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to the plaintiff, counsel of record for the defendants, and Judge Sargent.

ENTER: This 28th day of September, 2006.

A handwritten signature in black ink, appearing to read "Judge Sargent", written over a horizontal line.

United States District Judge